

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TRE-SHUN WHITE-SWANSON,
Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

TRE-SHUN WHITE-SWANSON,

Respondent-Appellant.

UNPUBLISHED

March 29, 2011

No. 299454

Wayne Circuit Court

Family Division

LC No. 06-456351

Before: CAVANAGH, P.J., and JANSEN and SERVITTO, JJ.

PER CURIAM.

Pursuant to a plea agreement, respondent, a juvenile, pleaded no contest to attempted carjacking, MCL 750.529a. Following a hearing, the trial court committed respondent to a juvenile detention facility and ordered respondent to pay restitution of \$4,413.45. Respondent now appeals by right, challenging the order of restitution. We affirm.

Respondent argues that the trial court erred by ordering restitution in the requested amount of \$4,413.45 because, although the victim submitted medical bills in support of her request, the bills did not reflect whether any of the costs would be paid by Medicare. “An order of restitution is generally reviewed for an abuse of discretion.” *In re McEvoy*, 267 Mich App 55, 59; 704 NW2d 78 (2005). An abuse of discretion has occurred when the trial court’s decision falls outside the range of principled outcomes. *People v Carnicom*, 272 Mich App 614, 616-617; 727 NW2d 399 (2006).

A trial court is generally required to order that a juvenile “make full restitution to any victim of the juvenile’s course of conduct that gives rise to the disposition” MCL 712A.30(2). With respect to medical expenses, MCL 712A.30(4) provides in relevant part:

If a juvenile offense results in physical or psychological injury to a victim, the order of restitution may require that the juvenile do 1 or more of the following, as applicable:

(a) Pay an amount equal to the cost of actual medical and related professional services and devices relating to physical and psychological care.

“The controlling factor with respect to determining the amount of restitution is the victim’s loss.” *In re McEvoy*, 267 Mich App at 76. When the amount of restitution is disputed, the petitioner bears the burden of demonstrating by a preponderance of the evidence the amount of the loss sustained by the victim as a result of the offense. MCL 712A.31(4); see also *People v Gahan*, 456 Mich 264, 276; 571 NW2d 503 (1997).

Here, the victim submitted medical bills in support of her restitution request. Although respondent contends that petitioner did not establish whether the submitted bills reflected expenses that were subject to payment by Medicare, the victim testified that the amounts reflected in the bills were the balances for which she was personally responsible. Given this testimony, we cannot conclude that the trial court abused its discretion by awarding restitution in the requested amount.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Deborah A. Servitto